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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	
)	
)	No. CR-07-00409-SBA
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	TO VACATE TRIAL DATE
)	<u>AND SET FOR STATUS HEARING</u>
)	
JOEL SANCHEZ, and)	
ALFREDO SANCHEZ,)	
)	
Defendants.)	
)	
)	

It is hereby stipulated, by and between the parties that the jury trial currently set for March 10, 2008 be vacated and that the matter be set for a status hearing on March 25, 2008 at 9:00 a.m., or to a new date and time thereafter convenient to this Court.

It is also stipulated that the period from February 20, 2008 to March 25, 2008, 2007 shall be excluded from the calculation of time in which the trial of the above captioned matter must commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice served by granting a continuance.

Such continuance is required because the government has received additional evidence

1 which necessitates that the indictment be superseded. The government intends to supersede the
2 indictment the week of March 10, 2008. This continuance will allow the reasonable time
3 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
4 Sections 3161(h)(8)(A) and (B)(iv).

5 As such, the parties respectfully request that the trial date of March 10, 2008 be vacated
6 and the matter be continued to March 25, 2008 at 9:00 a.m. for a status hearing.

7
8 DATED: February 29, 2008

Respectfully submitted,

9
10 /s/
KIMBERLY M. BRIGGS
Assistant United States Attorney

11
12 DATED: 2/27/08

/s/
EDWARD G. DUREE
Attorney for Joel Sanchez

13
14 DATED: 3/3/08

/s/
ROBERT L. FORKNER
Attorney for Alfredo Sanchez

15
16
17 Based on the reason provided in the stipulation of the parties above, the Court hereby
18 FINDS that for adequate preparation of the case by all parties - specifically, to allow the
19 government to supersede the indictment - pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and
20 (B)(iv) an exclusion of time is warranted under the Speedy Trial Act. Based on these findings,
21 IT IS HEREBY ORDERED THAT the jury trial currently scheduled for March 10, 2008 at 8:30
22 a.m. shall be vacated, and the matter shall be continued for a status hearing to **April 1, 2008** at
23 9:00 a.m.

24 **IT IS SO ORDERED.**

25 DATED: 3/4/08

26
Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge